IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

APPEAL (LDG) NO.518 OF 2007
IN
SUMMONS FOR JUDGMENT NO.413 OF 2005
IN
SUMMARY SUIT NO.711 OF 2005

Vinay Impex Pvt. Ltd. ...Appellant.
Vs.
Dynamic India Pvt. Ltd. ...Respondent.
....
Mr.V. C. Deshpande for the Appellant.
Mr. M. P. S. Rao with Mrs. Deepa Chavan i/b. Little & Co. for the Respondent.
.....

CORAM : SWATANTER KUMAR, C.J. &
DR.D.Y.CHANDRACHUD, J.

September 10, 2007.

P.C. :

In view of the principle of law clearly stated by the Supreme Court in the case of **Shah Babulal Khimji vs. Jayaben D. Kania,** (1981) 4 SCC 8 and by the judgment of a Division Bench of this Court in 1986 Vol 88 B. L. R. 707, it cannot be disputed that the present appeal is not maintainable in law. The appeal has been filed against

the grant of unconditional leave to defend the suit under Order 37 of the Code of Civil Procedure, 1908. The appeal is dismissed as not maintainable.

CHIEF JUSTICE

Dr.D.Y. CHANDRACHUD, J.